

00-0174

(Do Not Write Above This Line)

A RESOLUTION

BY PUBLIC SAFETY AND LEGAL
ADMINISTRATIVE COMMITTEE

A RESOLUTION AUTHORIZING THE
SETTLEMENT OF THE CLAIM OF CHARLES
AND BEATRICE CAMPBELL IN THE AMOUNT
OF \$2,187.16 AGAINST THE CITY OF
ATLANTA

BY: *Rosalind Rubens Newell*
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

ADOPTED BY
FEB 21 2000

COUNCIL

- ☐ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Refer to _____

Committee

Date

Chair

Action:

Fav, Adv, Held (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Held (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Held (see rev. side)

Other:

Members

Committee

Date

Chair

Action:

Fav, Adv, Held (see rev. side)

Other:

Members

COUNCIL ACTION

- ☐ 2nd ☐ 1st & 2nd ☐ 3rd
- Readings

☒ Consent ☐ V Vote ☐ DRC Vote

CERTIFIED

Don M. Starnes
COUNCIL PRESIDENT PROTEM

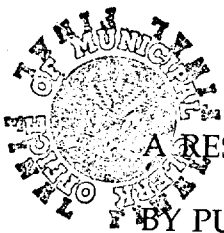
CERTIFIED
FEB 21 2000
Rosalind Rubens Newell
MANCIPAL CLERK

MAYOR'S ACTION

APPROVED

MAR - 1 2000

WITHOUT SIGNATURE
BY OPERATION OF LAW



CITY COUNCIL
ATLANTA, GEORGIA

A RESOLUTION

BY PUBLIC SAFETY AND LEGAL ADMINISTRATIVE COMMITTEE 00- R-0174

A RESOLUTION AUTHORIZING THE
SETTLEMENT OF THE CLAIM OF
CHARLES CAMPBELL AND BEATRICE E.
CAMPBELL IN THE AMOUNT OF \$2,187.16
AGAINST THE CITY OF ATLANTA

WHEREAS, CHARLES CAMPBELL AND BEATRICE E. CAMPBELL have filed a claim against the City of Atlanta seeking damages to their vehicle; and

WHEREAS, the damage to Mr. & Mrs. Campbell's vehicle occurred when Mr. Campbell drove over a metal plate in the roadway that was not properly covering a construction site in the road; and

WHEREAS, the construction and maintenance of public roads is a ministerial function and therefore this claim is not subject to a defense of sovereign immunity under the laws of the State of Georgia; and

WHEREAS, the claimants have asserted damages in the amount of \$2,187.16 and has agreed to accept this sum in full and complete satisfaction and settlement of their claim against the City of Atlanta; and

WHEREAS, the City Attorney has recommended that the claim of Charles and Beatrice Campbell be settled for the sum of \$2,187.16.

THEREFORE, BE IT RESOLVED that the Council of the City of Atlanta, Georgia that \$2,187.16 be paid by the City of Atlanta to Charles and Beatrice Campbell, in satisfaction of any and all claims they may have stemming from damages sustained to their vehicle on or about September 25, 1999 at 934 Custer Avenue, and that the City Attorney prepare appropriate releases.

BE IT FURTHER RESOLVED that the Chief Financial Officer is hereby authorized to pay the above mentioned sum from account number 2J01/529017/T31001.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403

February 21, 2000

March 01, 2000

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 99L0734

Date: February 3, 2000

Claimant /Victim CHARLES CAMPBELL and BEATRICE E. CAMPBELL
BY: (Atty) (Ins. Co.) _____
Address: 3244 Kingswood Glen, Decatur, Georgia 30034
Subrogation: _____ Claim for Property damage \$ 2,187.16 Bodily Injury \$ _____
Date of Notice: 11/4/99 Method: Written, Proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 9/25/99 Place: 934 Custer Avenue
Department PUBLIC WORKS Bureau: _____ Division Sewer Operations
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: Claimant's vehicle sustained damage when he drove over a metal plate that was partially covering a sanitary sewer construction site in the roadway.

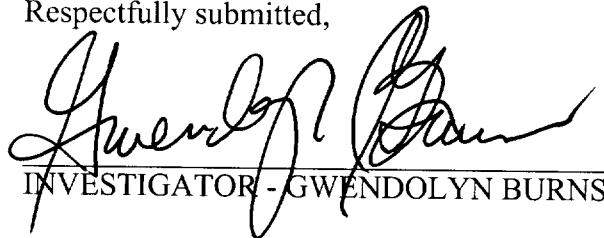
INVESTIGATION:

Statements: City employee X Claimant _____ Others _____ Written _____ Oral X
Pictures _____ Diagrams _____ Reports: Police _____ Dept Report _____ Other _____
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____

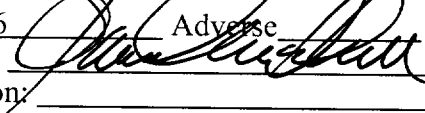
BASIS OF RECOMMENDATION:

Function: Governmental _____ Ministerial X
Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable X
City not involved _____ Offer rejected _____ Compromise settlement _____
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent X Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ 2,187.16 Adverse _____ Account charged: 1A01 _____ 2J01 X 2H01 _____
Claims Manager:  Concur/date 02-04-00
Committee Action: _____ Council Action _____

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERKCity Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Today's Date: 11/1/99ENTERED - 11-8-99 - SB
99L0734 - GWEN BURNSRECEIVED NOV 1 - 1999
BURNS
11/04/99
Du

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 1,000.00 property and/or \$ 1,000.00 bodily injury for which I contend the City is liable.1. Date of incident: 9/25/99
(month/day/year)2. Police called: X
Yes No3. Location of incident: 934 CUSTER4. Name of your insurance company: Discount Auto Ins.Policy No. 5NC0000050965. State what and how incident occurred: While driving E on Custer my truck went in a hole that had not been properly covered by city workers. Another auto about 1/4 mi. ahead was also damaged.

6. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

7. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: 1998 FORD RANGER 594 RNK CHARLES CAMPBELL
(make) (year) (tag number) (driver's name)City vehicle: N/A - see ACCIDENT REPORT FOR DETAILS
(make) (City driver's name) (department/bureau)8. Witness: N/A
(name) (address) (telephone number)

9. The acknowledgement of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

10. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Beatrice E. Campbell
(claimant's name)3244 KINGWOOD GLEN
(address)Decatur, Ga 30034
(city and state)(4) 634 0972 (4) 244-8113
(work number) (home number)

RCS# 1771
2/21/00
2:37 PM

Atlanta City Council

Regular Session

CONSENT AGENDA PAGES (1 - 9)

ADOPT

YEAS: 15
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 0

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

Y McCarty
Y Starnes
Y Bond
Y Winslow

Y Dorsey
Y Woolard
Y Morris
Y Muller

Y Moore
Y Martin
Y Maddox
Y Boazman

Y Thomas
Y Emmons
Y Alexander
NV Pitts

ITEMS REMOVED FROM
CONSENT AGENDA

00-O-0122

00-O-0123

00-R-0202

00-R-0020

00-O-0212 - Councilmember
Boazman Abstained

**ITEMS ADOPTED ON
CONSENT AGENDA**

1. 99-O-2072
2. 99-O-2073
3. 00-O-0127
4. 00-O-0124
5. 00-O-0126
6. 00-O-0066
7. 00-O-0125
8. 00-O-0211
9. 00-O-0212 *
10. 00-O-0213
11. 00-O-0207
12. 00-R-0220
13. 00-R-0196
14. 00-R-0209
15. 00-R-0180
16. 00-R-0176
17. 00-R-0174
18. 00-R-0145
19. 00-R-0146
20. 00-R-0147
21. 00-R-0148
22. 00-R-0149
23. 00-R-0150
24. 00-R-0151
25. 00-R-0152
26. 00-R-0153
27. 00-R-0154
28. 00-R-0155
29. 00-R-0156
30. 00-R-0157
31. 00-R-0158
32. 00-R-0159
33. 00-R-0160

**02/21/00 Council Meeting
ITEMS ADVERSED ON
CONSENT AGENDA**

34. 00-R-0161
35. 00-R-0162
36. 00-R-0163
37. 00-R-0164
38. 00-R-0165
39. 00-R-0166
40. 00-R-0167
41. 00-R-0168
42. 00-R-0169
43. 00-R-0170
44. 00-R-0171
45. 00-R-0172
46. 00-R-0173
47. 00-R-0175

* Councilmember Boazman
abstained from voting on item 00-
O-0212.